IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE SIDE

Criminal Application No.707 of 2007
IN
Criminal Appeal No.617 of 2006

Shri Arifvali Mohammed Shaikh. .. .. Applicant (Orig.Accused)

v/s.

The State (at the instance of Malwani Police Station). .. ..Respondent (Orig.Complainant)

Mr.Milan Desai for Applicant.

Mr.A.R.Patil, APP.

CORAM : DR.S. RADHAKRISHNAN &

SMT.ROSHAN DALVI, JJ.

Dated : 5th July, 2007

P.C. :

1. Heard the learned Counsel for the Applicant-Appellant and the learned APP.

2. The Applicant-Appellant was charged with an offence of murder punishable under Section 302 of Indian Penal

Code and was found guilty by the trial Court and was sentenced to undergo life imprisonment by the judgment and order dated 24th April 2006 passed by the learned 9th Ad-hoc Additional Sessions Judge, Sewree.

3. The above Appeal has been admitted by this Court on 16th August 2006. Now, a Bail Application is being preferred.

4. We have perused the judgment as well as the evidence which is annexed to the Memo of Appeal. We find that the Applicant-Appellant was to marry Sayara, sister of one Mohd. Jamil Abdul Jalil Khan, who had lodged a complaint with Malwani Police against the Applicant. It was an arranged marriage. However, it appears that the mother of the said Mohd. Jamil Abdul Jalil Khan, by name Kamrunnisa, cancelled the said marriage. It is the case of the prosecution that on 11th May 2005, during the early hours of the day at 5.30 a.m. while the said Mohd. Jamil Abdul Jalil, son of Kamrunisa, had gone to collect water, he found that some ladies were running helter-skelter and on inquiries, it was found that his mother was lying near

Mamta Bakery on the road and she was badly injured on her chest, back and left hand with severe bleeding. It appears that the said Mohd. Jamil Abdul Jalil's mother- Kamrunisa had disclosed to him that the present Applicant had assaulted her with the knife as she had cancelled the marriage ceremony with his sister Sayara. It appears that the blood stains found on the deceased and the blood stains found on the clothes of the Applicant belonged to the same blood group "AB" and the knife, which was used for committing the aforesaid offence of murder, was also recovered at the place of incident. It appears that the Applicant had sustained an injury on his right hand little finger during the said assault. The incident was also witnessed by PW-6. The said Kamrunisa succumbed to the aforesaid injuries within a few hours.

5. Taking into account all the aforesaid facts, the learned Sessions Judge had found the Applicant- Appellant guilty of the offence of murder and awarded him the punishment of life imprisonment. We do not find anything palpably wrong

in the said judgment and it is not a case of judgment based on no legal evidence.

6. Under these circumstances, we are not inclined to grant the Bail Application and the same stands dismissed.

7. The learned Counsel for the Applicant-Appellant prays that the Applicant-Appellant be permitted to prepare a private paper-book. Permission granted.

(DR.S. RADHAKRISHNAN, J.)

(ROSHAN DALVI, J.)